

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JAMES T. SULLIVAN, etc., et al.,)	
)	No. 07 C 521
Plaintiffs,)	
)	Judge Ronald A. Guzman
v.)	
)	Magistrate Judge Schenkier
CLASSIC PLUMBING CO., INC.)	
)	
Defendant.)	

MOTION FOR ENTRY OF JUDGMENT ON COUNT II

Plaintiffs, JAMES T. SULLIVAN, etc., et al., by their attorneys, DOUGLAS A. LINDSAY, JOHN W. LOSEMAN, LISA M. SIMIONI, and MEREDITH A. ILG, with LEWIS, OVERBECK & FURMAN, LLP, of counsel, move the Court to enter Judgment on Count II of Plaintiffs' Complaint in favor of Plaintiffs and against Defendant, CLASSIC PLUMBING, INC. In support hereof, Plaintiffs state:

1. Plaintiffs filed this action on January 26, 2007, seeking, in Count II of Plaintiffs' Complaint, enforcement of an Arbitration Award and amounts due pursuant to an audit under ERISA, 29 U.S.C. §§1132 and 1145, and LMRA, 29 U.S.C. §185.
2. Defendant was personally served with process on February 5, 2007. A true and correct copy of the Return of Service is attached hereto as Exhibit A.
3. Defendant was required to appear and answer on or before February 26, 2007.
4. Defendant has not yet filed an appearance or answer and is in default.
5. In Count II of the Complaint, Plaintiffs seek to confirm and enforce an arbitration award entered against Defendant in the amount of \$144,771.18. A true and correct copy of the Award is attached hereto as Exhibit B.

6. Pursuant to Award and 29 U.S.C. §1132, Plaintiffs' damages are calculated as follows:

\$144,771.18	-	Award;
\$9,702.14	-	Additional interest at \$1,386.02 per month for period 10/01/06 through date of presentment of this motion (7 months), pursuant to Award and 29 U.S.C. §1132(g)(2)(B);
\$54,680.25	-	Double interest consisting of \$44,978.11 stated in Award plus \$9,702.14 stated above, pursuant to 29 U.S.C. §1132(g)(2)(C);
\$6,129.04	-	Plaintiffs' attorneys' fees and costs through date of presentment of this motion, pursuant to Award and 29 U.S.C. §1132(g)(2)(D) (See Affidavit of Douglas A. Lindsay attached hereto as Exhibit C);
\$215,282.61	-	Total due as of 4/19/07.

7. Plaintiffs request that the Court enter the draft Order attached hereto as Exhibit D.

8. Plaintiffs further request that the Court expressly determine that there is no just reason for delay and expressly direct entry of final judgment on Count II of Plaintiffs' Complaint.

WHEREFORE, Plaintiffs, James T. Sullivan, etc., et al., request that the Court enter Judgment on Count II of Plaintiffs' Complaint in favor of Plaintiffs and against Defendant, Classic Plumbing, Inc., in the amount of \$215,282.61, and award such other and further relief in favor of Plaintiffs and against Defendant as the Court deems just.

JAMES T. SULLIVAN, etc., et al., by their attorneys,
DOUGLAS A. LINDSAY, JOHN W. LOSEMAN, LISA
M. SIMIONI, and MEREDITH A. ILG

By: s/ Lisa M. Simioni
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Of Counsel:

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STATE OF ILLINOIS)
COUNTY OF COOK) SS
)

PROOF OF SERVICE

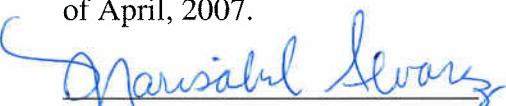
CHRISTINE USYAK, being first duly sworn on oath, deposes and says that she served a copy of the foregoing MOTION FOR ENTRY OF JUDGMENT ON COUNT II upon:

Classic Plumbing Co., Inc.
c/o Its Registered Agent, Angelo Ranieri
125 Wilma Place
Park Ridge, IL 60068

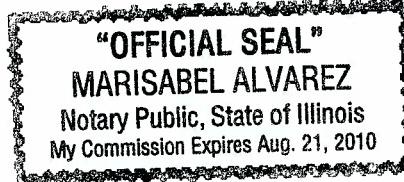
by placing a true and correct copy thereof in a sealed envelope addressed as aforesaid, with postage prepaid, and depositing same in the United States Mail Box at 20 North Clark Street, Suite 3200, Chicago, Illinois on April 13, 2007, before 4:30 p.m.


CHRISTINE USYAK

Subscribed and sworn to
before me this 13th day
of April, 2007.


Notary Public

(Official Seal)



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